The only rejection in the application is an obviousness-type double patenting rejection based on certain of the claims of the applicant's earlier U.S. patent '482 (Kessler 6,**482**,136). This rejection is respectfully traversed.

Nevertheless, as such rejection is easily overcome by a Terminal Disclaimer, such a Terminal Disclaimer and the disclaimer fee in conjunction therewith are filed herewith. As such Terminal Disclaimer is signed by undersigned, an attorney of record, compliance 37 CFR 3.73(b) is unnecessary.

As the attached Terminal Disclaimer overcomes the obviousness-type double patenting rejection, applicant respectfully requests withdrawal of the rejection.

However, for the record, the applicant wishes to make clear on the record that applicant's claims are not obvious from the claims of Kessler '482, and therefore the double patenting rejection is unjustified.

Applicant's claims are in Jepson form, with the improvement clause being the last paragraph of claim 1. The improvement called for in claim 1 is a coupling tube which comprises "an inner tube made of strong and hard

plastic covered by a sheath of softer, compressible material,…." Such subject matter is not disclosed by Kessler '482, is not claimed in Kessler '482, and also is not made obvious from the claims of Kessler '482.

Claim 1 of the present application also calls for a seal which "comprises said sheath". This also is not shown by Kessler '482, by the claims of Kessler' 482, or made obvious by the claims of Kessler '482.

And there is no prior art which suggests any modifications in the claims of Kessler '482 which would make obvious applicant's improvement.

The rejection states that the claims "only differ in breadth of terminology used." With respect, the rejection thus seems to be based on some confusion between domination and obviousness.

Attention is respectfully invited to MPEP 804, top of the second column of page 800-20 (August 2001) which states as follows:

> Domination and double patenting should not be confused. They are two separate issues. One patent or application "dominates" a second patent or application when the first patent or application has a broad or generic claim which fully encompasses or reads on an invention defined in a narrower or more specific claim in another patent or application. **Domination by itself**, i.e., in the absence of statutory or non-statutory double patenting grounds, **cannot support a**

> **double patenting rejection.** [citations omitted; emphasis added]

That the claims of Kessler '482 are broader and thus dominate is irrelevant. There is nothing in the claims of Kessler '482 which would have made applicant's claimed invention obvious, it further being noted that §103 criteria apply to an obviousness-type double patenting rejection, noting MPEP 804, paragraph spanning columns 1 and 2 of page 800-22 (August 2001).

No rejections have been applied under §§102 and 103, whereby applicant understands that applicant's claims are deemed by the PTO to define novel and unobvious subject matter over any known prior art. Also, no rejections have been imposed under §112, whereby applicant understands that applicant's claims are deemed to meet all the requirements of §112. Applicant is proceeding in reliance thereof.

The prior art documents of record and not relied upon have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their application against any of applicant's claims.

Applicant believes that all issues have been

addressed and resolved above, whereby early allowance of the present application is fully warranted.

Respectfully submitted,

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